

LAW OFFICES OF DONNA DiPIETRO

By: William P. Barrett
Attorney I.D. No. 48475
1601 Market Street, Suite 1040
Philadelphia, PA 19103
(215)762-0400
barretw@nationwide.com

Attorney for Defendant,

Independence Tree
Service, LLC

JESSE HERNANDEZ,
4901 Stenton Ave., Apt. 407
Philadelphia, PA 19144

Plaintiff

v.

INDEPENDENCE TREE SERVICE, LLC
50 Senn Dr.
Chester Springs, PA 19425

And

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY
1234 Market St. 4th Floor
Philadelphia, PA 19107

And

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK
60 Massachusetts Ave.
Washington, DC 20002

Defendants

NO. ____ cv ____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1331 and U.S.C. § 1441(a), Defendant, Independence Construction Corp. improperly named as Independence Tree Service, LLC, hereby removes to the United States District Court for the Eastern District of Pennsylvania the case captioned Jesse Hernandez v. Independence Tree Service, LLC., Philadelphia Court of Common Pleas, Civil Action No. 02689, December 2018 term, and as grounds for removal states as follows:

1. Amtrak has been named as a defendant in an action pending in the Philadelphia Court of Common Pleas, Civil Action No. 02689, December 2018 term.
2. The above-reference action was commenced by the filing of a Complaint on December 21, 2018. A copy of the Complaint is attached hereto as Exhibit A.
3. The Complaint was delivered to Independence Construction Corp. on January 14, 2019.
4. This Notice is being filed within 30 days of receipt of the initial pleading.
5. Pursuant to 28 U.S.C. § 1441(a), this action can be removed to this Court because this Court has original jurisdiction over this action.
6. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Amtrak was created by an Act of Congress, 49 U.S.C. § 24101 et seq., and more than half of its corporate stock is owned by the federal government. See 28 U.S.C. § 1349.
7. Pursuant to 28 U.S.C. § 1446(a), a copy of the pleadings served upon Defendant Independence Construction Corp. is attached hereto as Exhibit A.

WHEREFORE, Defendant, Independence Construction Corp. improperly named as Independence Tree Service, LLC, requests that the action now pending in the Philadelphia County Court of Common Pleas be removed to the United States District Court for the Eastern District of

Pennsylvania.

BY:



WILLIAM P. BARRETT, ESQUIRE
Attorney for Defendant,
Independence Construction Corp.,
improperly named as Independence Tree
Service, LLC

EXHIBIT A